IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8933 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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UMIYASHANKAR G RAVAL & 1 - Petitioner(s)
Versus
FACTORY MANAGER - Respondent(s)

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Appearance :
MR MUKUL SINHA for Petitioner(s) : 1 - 2.
MR KK NANAVATI for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 10/07/2007

ORAL JUDGMENT

Shri Mukul Sinha, learned counsel for the petitioners; Shri K.K. Nanavati, learned counsel for the respondent.

By this petition under Article 227 of the Constitution, the petitioners seek to challenge the jurisdiction of the Industrial Court in issuance of notices under Section 85 of the BIR Act. It is not in dispute before me that subsequent to filing of this petition, very same objection was raised before the Industrial Court and the objections raised by the

petitioners were rejected. Challenging the said order, Special Civil Application No. 9841 of 2001 has been filed in this Court. As the order rejecting the objections has already been challenged in this Court and the petition is pending consideration, I do not think that this petition can be continued. This petition is disposed of with no orders as to costs, however, with the observation that disposal of this writ petition would not adversely affect the rights of the petitioners in challenging the order passed by the Industrial Court that it has jurisdiction to entertain the dispute. Rule is discharged accordingly. Interim relief, if any, is vacated.

[R.S. GARG, J.]

pirzada/-